

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHEL PAYNE,

Plaintiff,

v.

CONTRACTOR LABOR LOCAL 1140,

Defendant.

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8:06CV685

ORDER

This matter is before the court on the defendants' Objection to Plaintiff's Disclosure of Non-Expert Witnesses at Trial (Filing No. 63) and the defendants' Objection to Plaintiff's Second and Third Disclosure of Non-Expert Witnesses at Trial (Filing No. 67).

The plaintiff filed Plaintiff's Disclosure of Non-Expert Trial Witnesses on August 10, 2007 (Filing No. 62). Due to an error in the Clerk's office, a page was omitted from the filing. Accordingly, Filing No. 62 was stricken and the plaintiff's disclosure was refilled in its entirety on August 13, 2007 (Filing No. 66). As of August 10, 2007, the plaintiff's witness list was deemed filed. On August 13, 2007, the defendants filed an Objection to Plaintiff's Disclosure of Non-Expert Witnesses at Trial (Filing No. 63) and requested the court to strike the Plaintiff's Disclosure of Non-Expert Trial Witnesses and any new list of non-expert trial witnesses not be admitted until the list complies with the May 25, 2007 Order Setting Final Schedule for Progression of a Civil Case (Progression Order) (Filing No. 42).

On August 14, 2007, the defendants filed an Objection to Plaintiff's Second and Third Disclosure of Non-Expert Witnesses (Filing No. 67) and requested the court to strike Plaintiff's Disclosure of Non-Expert Trial Witnesses (Filing Nos. 64 and 66), and again requested any new list of non-expert trial witnesses not be admitted until the list complies with the Progression Order.

In the Progression Order, the court directed each party pursuant to Fed. R. Civ. P. 26(a)(3) to serve opposing counsel the name, address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises on or before October 19, 2007. The Progression Order contains a footnote under 5(a). The footnote states:

In accordance with the E-Government Act, counsel shall, on witness lists, exhibits, and other disclosures and/or documents with the court, redact social security numbers, home addresses, phone numbers, and other personally identifying information of witnesses, but shall serve an unredacted version on opposing parties.

Accordingly, the court finds the plaintiff seems to have complied with the Progression Order by redacting social security numbers, home addresses, phone numbers, and other personally identifying information of witnesses pursuant to the E-Government Act. Therefore, the defendants' objections to the lists as filed (Filing Nos. 63 and 67) are overruled. However, the court is unaware if the plaintiff provided an unredacted version of his Non-Expert Witness list to opposing counsel. If the plaintiff has not served opposing counsel an unredacted version of his Non-Expert witness list which contain addresses and telephone numbers, he shall have on or before August 24, 2007 to do so. Upon consideration,

IT IS ORDERED:

1. The defendants' Objection to Plaintiff's Disclosure of Non-Expert Witnesses at Trial (Filing No. 63) and Objection to Plaintiff's Second and Third Disclosure of Non-Expert Witnesses (Filing No. 67) are overruled.

2. The plaintiff shall have to on or before **August 24, 2007** to serve an unredacted version of Nonexpert Witnesses which contain addresses and telephone numbers on opposing counsel.

DATED this 15th day of August, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge